

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

| | | |
|-------------------------------------|---|-------------------------------------------|
| CUMULUS INVESTOR, LLC, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No.: 1:20-cv-00298 (AJT/IDD) |
| |) | |
| ROBERT P. BERNARDI, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

ORDER

This matter is before the Court on the Report and Recommendation, [Doc. No. 51], of Magistrate Judge Davis recommending that default judgment be entered against Defendant Bernardi. The Magistrate Judge also advised the parties that objections to the Report and Recommendation must be filed within fourteen (14) days of service and that failure to object waives appellate review. No objections have been filed. The Court has conducted a *de novo* review of the evidence in this case and adopts and incorporates the findings and recommendations of the Magistrate Judge in their entirety. Accordingly, it is hereby


ORDERED that the Magistrate Judge's Report and Recommendation, [Doc. No. 51], be, and the same hereby is, **ADOPTED**; and it is further

ORDERED that default judgment be, and the same hereby is, **ENTERED** against Defendant Bernardi and in favor of Plaintiff Cumulus Investor, LLC as to Count III in the amount of \$5,822,077.33 as of January 13, 2022, representing \$630,888.89 of interest calculated through November 11, 2019 and \$1,192,870.38 of interest calculated through January 13, 2022, with post-judgment interest at the Promissory Note default rate of twelve percent; and it is further

ORDERED that Counts IV and V are held in abeyance pending the outcome of the civil action against co-Defendant Cardak; and it is further

ORDERED that Cumulus Investors, LLC's Motion for Default Judgment, [Doc. No. 42], and Amended Motion, [Doc. No. 43], be, and the same hereby are, **GRANTED**.

The Clerk is directed to forward copies of this Order to all counsel of record.



Anthony J. Trenga
United States District Judge

Alexandria, Virginia
January 13, 2022